

**REMARKS**

Claims 1-20 are all the claims pending in the application.

**Claim Rejections - 35 U.S.C. § 102**

Claims 1-4, 7, 9-17 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Jumel et al. (U.S. Patent No. 5,271,532). Applicants respectfully traverse.

Claim 1 recites a fixing member for fixing a dispensing member to an opening of a reservoir. The fixing member has a vertical skirt provided with at least one vent passing through the thickness of the skirt. For example, with reference to a non-limiting embodiment of the specification, Fig. 3 illustrates a fixing member 100 for fixing the dispensing member 3 to the reservoir 2. The fixing member 100 includes a vent 115.

Jumel is deficient with respect to claim 1 for several reasons. Initially, the claimed invention includes a fixing member for fixing a dispensing member. In contrast, the pump in Jumel is directly engaged with the receptacle 2. Compare the pump body 30 of Fig. 3 of the non-limiting embodiment of the present application with the pump mechanism 14 of Jumel. The pump body 30 of the present invention is received by the fixing member 100 and the fixing member 100 is engaged in the opening of the reservoir and is provided with a vent 115. In contrast, in Jumel, the pump mechanism 14 itself is engaged to the neck 7 of the receptacle 2 and includes the vent hole 9.

Since the Jumel pump mechanism 14 is itself attached to the receptacle 2, Jumel lacks the combination of a dispensing member and a fixing member. This is clearly seen throughout the Jumel patent. The Background of the Invention section of the Jumel patent discusses that the pump of prior art devices have to be mounted onto the receptacle through the intermediary of a

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bushing (*see* column 1, lines 20-25). In contrast, the Jumel invention is that the body of the pump is itself fitted into the neck of the receptacle (*see, e.g.*, column 1, line 66 to column 2, line 3), not through the intermediary of a bushing or fixing member. Accordingly, Jumel is specifically designed so that it does not include a fixing member designed to receive the dispensing member for fixing the dispensing member to a reservoir, as claimed.

Furthermore, the Jumel vent system is conventionally used during the normal operation of the pump to allow air ingress inside the receptacle, so that a depression is not created inside the receptacle. Jumel also uses the vent to allow air under pressure inside the vial to exhaust just after the mounting of the pump onto the neck. However, the Jumel venting is not automatic: the pump has to be actuated, so that the piston lip moves under the vent hole. Therefore, the vent system of Jumel allows air pressure to be vented through the pump when it is actuated. That is, the vent allows the air pressure in Jumel to be released through the pump, not through the vent itself. In contrast, in the claimed invention, the vent provides direct communication between the interior and the exterior of the reservoir when the fixing member is being engaged with the opening of the reservoir so that air pressure is released directly through the vent.

In view of the above, claim 1 is allowable over Jumel. Claims 2-4, 7 and 9-12 depend from claim 1 and are allowable at least by virtue of their dependency.

Claim 13 recites that the vent hole is closed off by the reservoir after the fixing member is mounted on the reservoir. For example, as shown in the non-limiting embodiment of Fig. 4, the vent hole 115 is closed off by the inside wall 21 of the reservoir 2 after the fixing member is mounted. As noted above, Jumel does not include a fixing member. Furthermore, the Jumel

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vent hole 9 is left open after the device is assembled (*see* Fig. 1). Accordingly, Jumel fails to disclose each and every feature of claim 13 and claim 13 is allowable over Jumel. Claims 14-17 and 20 depend from claim 13 and are allowable at least by virtue of their dependency.

**Claim Rejections - 35 U.S.C. § 103**

Claims 8 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jumel.

Claims 5, 6 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jumel in view of Chastel (U.S. Patent No. 6,349,856).

Claims 5, 6 and 8 depend from claim 1 and claims 18 and 19 depend from claim 13. Accordingly, claims 5, 6, 8, 18 and 19 are allowable at least by virtue of their respective dependencies.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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